



University of Pennsylvania  
**ScholarlyCommons**

---

Social Impact Research Experience (SIRE)

Wharton Undergraduate Research

---

9-17-2018

# Evaluating the Impact of Land Tenure Reform in Present-Day South Africa

Noah Katcher  
*University of Pennsylvania*

Follow this and additional works at: <https://repository.upenn.edu/sire>

 Part of the [African Studies Commons](#), [Agricultural and Resource Economics Commons](#), [Entrepreneurial and Small Business Operations Commons](#), [Other Public Affairs, Public Policy and Public Administration Commons](#), and the [Policy Design, Analysis, and Evaluation Commons](#)

---

Katcher, Noah, "Evaluating the Impact of Land Tenure Reform in Present-Day South Africa" (2018). *Social Impact Research Experience (SIRE)*. 58.

<https://repository.upenn.edu/sire/58>

This paper is posted at ScholarlyCommons. <https://repository.upenn.edu/sire/58>  
For more information, please contact [repository@pobox.upenn.edu](mailto:repository@pobox.upenn.edu).

---

# Evaluating the Impact of Land Tenure Reform in Present-Day South Africa

## **Abstract**

Since the end of apartheid in South Africa, land tenure reform has been discussed ceaselessly as a critical action to restore lasting inequities from the nation's segregated history. In recent months, South African President Cyril Ramaphosa has introduced a proposal for a constitutional amendment supporting expropriation without compensation, stirring controversy and revolt throughout the country and across the globe. As questions continue to rise regarding the value of land reform and best practices for implementation, this paper identifies the relevant stakeholders in the debate over land reform and details the potential impacts of a redistributive mandate. Broadly speaking, this paper identifies four primary opportunities for impact from effective land reform: economic, social, political and environmental. Through critical analysis, this paper finds that land reform provides exceptional opportunity for post-apartheid South Africa, though the present-day proposal of Ramaphosa may need revision to ensure long-term efficacy.

## **Keywords**

land tenure reform, land reform, land tenure, South Africa, Cyril Ramaphosa, post-apartheid reform, apartheid, Land Act of 1913, dispossession, expropriation without compensation, African National Congress, Economic Freedom Fighters

## **Disciplines**

African Studies | Agricultural and Resource Economics | Business | Entrepreneurial and Small Business Operations | Other Public Affairs, Public Policy and Public Administration | Policy Design, Analysis, and Evaluation

## **Evaluating the Impact of Land Tenure Reform in Present-Day South Africa**

Noah Katcher  
Prof. Robert Jensen  
The Wharton School

*Prepared for Wharton SIRE (Social Impact Research Experience)*

## **Abstract**

Since the end of apartheid in South Africa, land tenure reform has been discussed ceaselessly as a critical action to restore lasting inequities from the nation's segregated history. In recent months, South African President Cyril Ramaphosa has introduced a proposal for a constitutional amendment supporting expropriation without compensation, stirring controversy and revolt throughout the country and across the globe. As questions continue to rise regarding the value of land reform and best practices for implementation, this paper identifies the relevant stakeholders in the debate over land reform and details the potential impacts of a redistributive mandate. Broadly speaking, this paper identifies four primary opportunities for impact from effective land reform: economic, social, political and environmental. Through critical analysis, this paper finds that land reform provides exceptional opportunity for post-apartheid South Africa, though the present-day proposal of Ramaphosa may need revision to ensure long-term efficacy.

**Keywords:** land tenure reform, land reform, land tenure, South Africa, Cyril Ramaphosa, post-apartheid reform, apartheid, Land Act of 1913, dispossession, expropriation without compensation, African National Congress, Economic Freedom Fighters

## **I. Introduction**

After Cyril Ramaphosa, President of the African National Congress and former Deputy President of South Africa, assumed the Presidency of South Africa on February 15, 2018, one message rang abundantly clear: the land tenure reform process would not only continue, but accelerate across the nation of South Africa. Since the end of Apartheid in 1994 and the first presidency of the beloved Nelson Mandela, land tenure reform has been viewed widely as one of the necessary keys to healing a broken nation. Nearly a quarter of a century later, land tenure reform maintains as one of the few Apartheid-era issues yet to be addressed by South Africa's ruling party, the African National Congress. Despite well-meaning intentions and widespread discussion, a formal, constitutional reform to land ownership across South Africa has not occurred, until recently. Since the very beginning of his tenure as the fifth President of South Africa, Cyril Ramaphosa has repeatedly emphasized the necessity of land tenure reform, and his dedicated intent has grown the issue into an international debate.

By no means would South Africa be the first African nation to engage in some form of land reform, even in recent history. Historically, land reform is often accompanied by the end of colonial rule, leaving local leadership to attempt a fair redistribution of land-based assets long held by a colonizing nation. Land reform efforts have spanned across a wide spectrum of success, creating crippling economic downturn in some nations, while spurring enthusiastic development in others. However, the case for South African land reform presents unique circumstances compared to neighboring countries. In the minds of many, land tenure reform presents the opportunity to finally right one of the last remaining wrongs of Apartheid – the consequences of which continue to plague the non-white population of South Africa. As a result, both reform planning and commentary has differed greatly from similar neighboring reform efforts, charged by the politics of South Africa's socially, politically and economically divisive history.

## **II. Intentions & Goals**

The recent push for accelerated, constitutional land reform has left commentators scrambling to evaluate the impact and reception of land tenure reform in South Africa, if successfully implemented in the coming months. As recently as August 2018, President Cyril Ramaphosa has published several public defenses of the necessity of such reform, seemingly indicating that the issue will remain a priority of the current government until adequately addressed (Ramaphosa 2018). Just as support for accelerated land reform has grown rapidly in tandem with the recent legislative efforts, so has vocal public dissent and hysteria from its opponents. Claims of unfair expropriation and retaliatory violence have rocked both the national and international stage, garnering attention worldwide (BBC News 2018) (de Greef and Karasz 2018).

This paper aims to review the collection of research, analysis, commentary and philosophy on land tenure reform in South Africa, both positive and negative, that has been developed since the end of Apartheid, in an effort to evaluate the impact of land tenure reform in South Africa today. To do so, this paper will discuss the present proposals of the African National Congress under the leadership of Cyril Ramaphosa and evaluate the potential benefits and pitfalls of such a

reform on the major relevant stakeholders. Collectively, this paper aims to offer a critical analysis of the potential effects of an accelerated land tenure reform in South Africa under the proposals issued by the Ramaphosa administration.

### **III. History of Land Tenure & Dispossession in South Africa**

#### *A. Prior to the Land Act of 1913 & the Origins of Dispossession*

As noted by Yanou (2009), one fact of land possession cannot be denied: since at least the Stone Age, Africans have been the primary settlers and residents of the land on which South Africa sits. Subsequently, there is an undeniable sense of entitlement of the African population to the land of South Africa as its primary and exclusive settler since the essential beginning of recorded history. Such a dynamic is strongly rooted in the fundamental philosophy which governs modern capitalist principles. John Locke's *Two Treatises of Government* revolutionized Enlightenment-era thinking on property, asserting the "natural rights" of man, including the value and importance of land. Almost a century later, Adam Smith would present slightly altered thoughts on land tenure in his *Wealth of Nations* – offering the proposal that natural rights and land rights may be separate, but it is unquestionably the responsibility of the sovereign state to defend its citizens' right to property within the nation (West 2002). From these fundamental principles, it is easy to comprehend the argument in favor of the African population's entitlement to the land of South Africa. However, these natural rights would be violated long before the internally discriminatory practices of the South African government.

In fact, the first large-scale reorganization and dispossession of land in South Africa began with the colonization by the Dutch East India Company commencing in 1652 (South African History Organization 2011). Over the course of the next decade, native South Africans were progressively but efficiently deprived of land owned for countless generations by their ancestors. Yanou (2009) details the colonization process of the Dutch as two-tiered: dispossession by fraud and dispossession by squatting. In a typical case, South African natives would be tricked by Dutch settlers into signing a land agreement which fully transferred ownership. Then, in cases where the transfer may not be permanent or land owners may have been more incorrigible, settlers would simply squat on desired land and force native owners out by whatever means necessary. As Davenport and Hunt (1974) argued, these practices of feckless repossession of native land helped establish a mindset of new ownership in South Africa.

The practice of land repossession by the Dutch continued steadily until the end of the 18<sup>th</sup> century, at which point British imperialists took great interest in the Cape as the Dutch East India Company began to decline (Yanou 2009). After a forceful acquisition of both land controlled by the Dutch East India Company and land still controlled by natives, the British began to establish the South African nation as a colony by 1795 (South African History Organization 2011). British attitudes towards land use represented a fairly drastic shift from the Dutch. Apropos of British imperialist ventures, the acquisition of South Africa was branded as an effort to "civilize" the native people and spur economic development within the nation, primarily through dominating the colony's agricultural interests (Yanou 2009). While the merits and successes of these efforts can be debated, they undeniably furthered the internalized attitude of European

imperialists seizing and controlling land within the nation – an act not looked upon fondly by the majority of native residents.

Over the following century, Britain maintained full control of their settlement by the Cape, in addition to three other settlements – Natal, Transvaal and Orange River – which would collectively make up the future nation of South Africa (Yanou 2009). In 1910, these four colonies split from the British Empire, forming the South African Union. While these colonies had gained legal autonomy from British Rule, the leadership of the nation continued to be dominated by the British and Afrikaner<sup>1</sup> populations.

### *B. The Native Land Act of 1913 & Legislative Dispossession*

Shortly after separating from British control, governmental leadership of the new Union of South Africa, all of European origin, sought means for a final and resolute acquisition of native lands. Having recently gained legislative authority to govern the nation, efforts soon began for a decisive push to acquire the vast majority of land within the new nation. Instead of utilizing trickery or brute force as in the past, this effort sought to “legally” repossess the remaining land still owned by natives and redistribute it to white residents of European origin (Bell 2013). However, these efforts would have drastic consequences on the non-white population of South Africa, leaving several scholars to refer to the Native Land Act of 1913 as the first major step of apartheid (Yanou 2009).

Effectively, the Native Land Act No. 27 of 1913 declared that only seven percent of the newly formed country’s land may be owned by the African community (Bell 2013). The effects of such a declaration left a multi-tiered impact, leaving Africans not only economically disenfranchised but also alienated as citizens within their native land. However, the legislation of 1913, while perhaps the most significant, represented only one of several legislative actions that would continue to be taken against the African population across the next several decades. In 1936, a new Native Trust and Land Act actually *released* additional land for Africans, but in turn restricted their voting rights in the Cape. Though many saw this release of additional land to provide relief to Africans, critical African opinions argue that the Act continued the degradation of African rights in South Africa, leaving their destiny solely at the mercy and discretion of the European immigrants in power (Yanou 2009).

### *C. The Group Areas Acts of 1950 and 1966*

After decades of enduring land redistribution policies that unequivocally continued to demean the political and social status of Africans within the country, the Group Areas Land Act No. 41 of 1950 solidified the principle of race-based discrimination as it relates to land tenure and use. The Group Areas Act left land ownership in no uncertain terms – only specific patches of controlled land could be owned by people of African or Coloured<sup>2</sup> heritage, leaving the

---

<sup>1</sup> The term Afrikaner refers to the Dutch colonizers of the 17<sup>th</sup> century and their descendants who continued to live in South Africa. They are most clearly identified by their use of Afrikaans, a language developed during their occupation and primarily derived from Dutch.

<sup>2</sup> “Coloured” was a designated racial classification for those of Indian, Malay or Chinese origin.

remainder of the country's land to white ownership and formally segregating the nation (Bell 2013).

Undoubtedly, the Group Areas Act of 1950 and its revision, the Group Areas Act of 1966, established fundamental tenants of apartheid in South Africa. By the end of the 1960s, apartheid, as it related to land tenure, had reached a peak – the near total dispossession of African lands and the full registration of all remaining African-held property, despite their ancestral ties and continued status as the majority race within the country (Yanou 2009). The oppressive land policies of apartheid-era government would persist until the end of apartheid in 1994 and the election of Nelson Mandela as South Africa's first post-apartheid president.

#### *D. Land Redistribution, Repossession and Expropriation in Post-Apartheid South Africa*

After the end of apartheid and election of the African National Congress in 1994, politicians moved quickly to dismantle race-based, discriminatory legislation targeting the non-white populations of South Africa. Some portions of discriminatory legislation had already been repealed prior to the formal end of apartheid, such as the Land Act of 1913, which was repealed in 1991, leading the New York Times to report that "South Africa Moves to Scrap Apartheid" (Wren 1991). Historically speaking, these headlines and the actions on which they were based serve as further evidence of the gravity of meaningful land tenure reform in South Africa.

However, the resolution of nearly a century's worth of discrimination (not to mention several centuries of dispossession) would be a two-fold process. Legally evening the playing field would prove to be an uncontroversial proposal for the African National Congress. However, the idea of restitution for land acquired under unfair circumstances would quickly develop into the most persistent issue of post-apartheid reform in South Africa. Debate quickly arose regarding issues of acquisition, compensation and ownership of both public and private land, but to date no sizable legislation has come to fruition establishing a nationwide methodology for land redistribution. Most recently, the Economic Freedom Fighters party, though holding a minority of seats in government (in comparison to the much larger African National Congress) has stressed the need for uncompensated appropriation of private lands, opening the contemporary debate surrounding land tenure reform for the nation (Montanari 2018).

#### **IV. Stakeholders and the Impact of Land Tenure Reform**

The impact of nationwide land tenure reform has been discussed at length across academic literature throughout the past quarter century. Overwhelmingly, the greatest emphasis lies in the economic benefit of reform as it relates to poverty, inequality and mobility. Hebinck and Shackleton (2011), Lahiff (2011), Levin and Weiner (1997), and Aliber, Maluleke, et al. (2013) all provide perspectives on the economic considerations of land reform in terms of enhanced access to agricultural land, poverty reduction and the potential impact on the general livelihoods of the beneficiaries of land tenure reform.

However, the consideration of all relevant stakeholders introduces additional dimensions for analysis. Manning and Jenness (2014) write that the two primary rationales for post-apartheid



reform can be categorized as economic and moral. Yanou (2009) disambiguates the latter by separating considered factors into economic, political and social, identifying the need to differentiate between widespread political impact and inter/intra-community social impact. This social impact is perhaps best exemplified by a collection of short commentaries published by the National Land Committee in 1998 highlighting the social value of land, especially as it relates to the development of women's rights in South Africa.

In recent years, Spierenburg, Steenkamp & Wels (2008), Manjengwa (2006) and a variety of other authors have identified environmental impact as another necessary consideration in the debate surrounding land tenure reform. As environmental awareness continues to grow, so has the literature emphasizing the necessity of evaluating the impact of land reform on conservation efforts in South Africa. The recent water crisis in the Western Cape serves as further evidence for the consideration of environmental interests as a major stakeholder in the land reform debate (Calland 2018).

Based on prevailing literature on the topic, this paper aims to evaluate the impact of modern land tenure reform through four lenses: economic, social, political and environmental. Certainly, there exist a variety of additional stakeholders that may overlap across these categories or belong to none particularly well; however, this breakdown aims to provide the most comprehensive overview of potential impacts in a fashion fully reflective of leading literature.

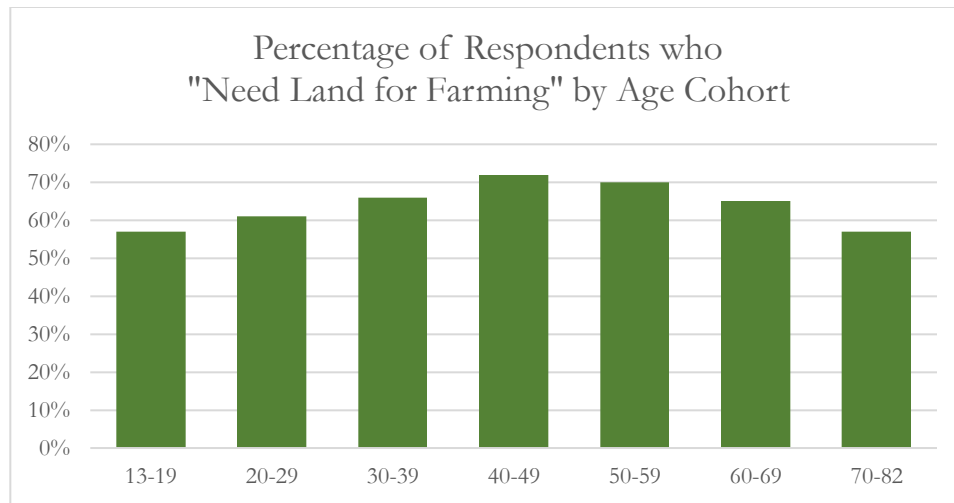
#### *A. Economic Impact of Land Tenure Reform*

Often, the fundamental debate surrounding land tenure reform in South Africa evaluates the potential economic benefits and drawbacks that would result directly from a redistributive overhaul. Two simple questions encompass this debate: *who specifically stands to benefit from reform* and *at what cost*? Given the variety of outcomes detailed by speculative analyses and relevant case studies, no concrete answer has been deciphered, even by those proposing reform. Broadly speaking, the major economic stakeholders in redistribution can be viewed as the white land-holding population, the non-white landless population and the government's public land holdings. The clear intention of land tenure reform aims to benefit the landless non-white population of South Africa, but the questions of *how* and *to what extent* require evaluation.

Bernstein (1997) lays a strong framework for the economic necessity of land reform at an individual level. By Bernstein's account, arable land typically serves one of two purposes for an individual owner: the production of subsistence goods in an attempt to provide food security for an individual, family or community or the production of commodified goods that could be cultivated and sold for a profit. Different economies and different communities will value or require more emphasis on one use or the other dependent on circumstances, but much of South Africa finds itself at a point very much in between the two. From a Malthusian perspective, in less developed regions with rapidly expanding populations, greater access to arable land may provide enhanced food security to at-risk communities. However, Bernstein argues in favor of Raikes (1988), who contends that the true value of land lies in the income potential offered by land ownership. Ergo, food security comes most efficiently not through subsistence farming, but rather by the independence offered by earning an individual income and purchasing desired foods. Regardless of intention, the attraction of land ownership is perhaps best characterized by

a 1995 LAPC Land Reform Research survey in which respondents could self-identify as individuals who “need land for farming” (Levin and Weiner, *From Apartheid to Development* 1997). [Figure 1] These data leave little doubt regarding the interests of South Africans immediately after the formal end of apartheid in South Africa. From individuals aged 13 to 82, a majority of respondents indicated their desire for land ownership, with analysis designating at least six of nine provinces of South Africa as expressing a “very high” need for land ownership.

**Figure 1**



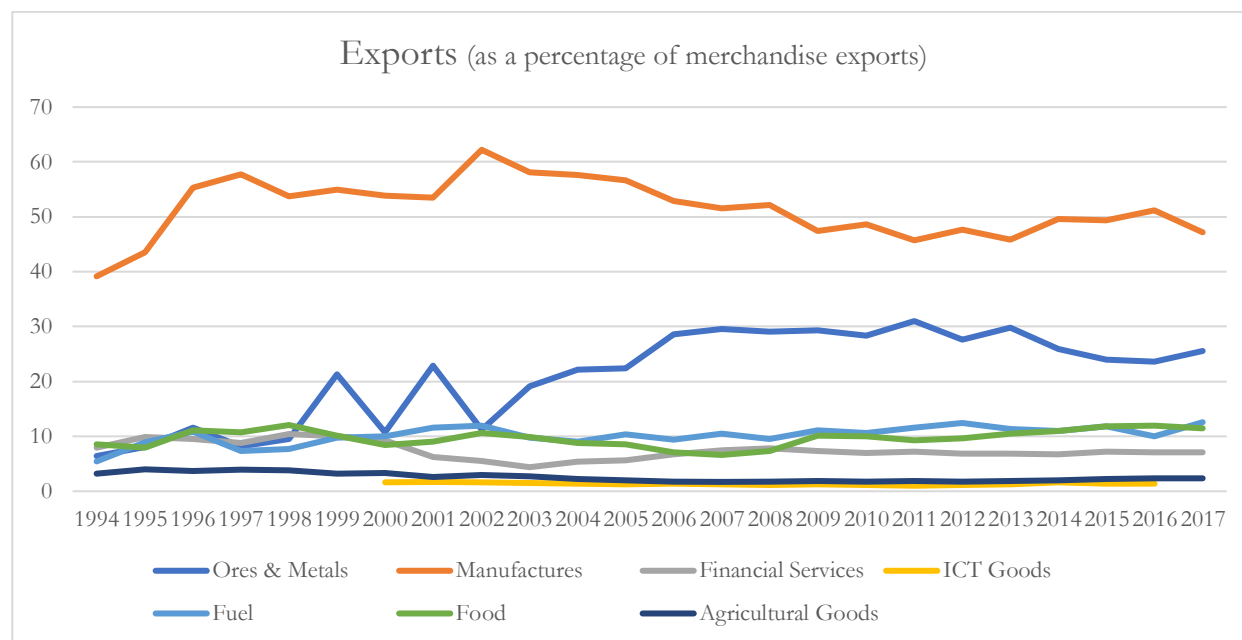
*Source: Levin & Weiner (1997) from LAPC Land Reform Research (1995)*

However, land ownership cannot be directly equated to economic independence and income mobility. In an increasingly developing economy, the viability of South Africa’s agricultural sector is often called into question when debating the potential scope of impact for land reform. Considering the technology and expertise required today to thrive as an agricultural producer, much of the land tenure reform debate centers around the value of arable land being allocated to individuals possibly lacking the experience or equipment to establish a successful enterprise.

From a macroeconomic view, South African agricultural and food product exports have steadily constituted just over 10% of total merchandise exports for the nation. [Figure 2] Natural resources, mining and manufacturing have continued to dominate as key exports from South Africa with no indication of slowing in recent years. This disparity has been offered in certain contexts to deflect attention from the debate on land reform, implying that its impact would not be as sizable as intended or desired. However, there is undoubtedly a continuum between understanding land as a resource for widespread production of an exportable commodity and understanding land as means for subsistence. Certainly, land redistribution would allow for the development of the informal economy within South Africa, especially in a country containing so many diverse communities. According to World Bank data, employment in agriculture has decreased steadily since the end of apartheid; yet, self-employment has stayed fairly consistent.

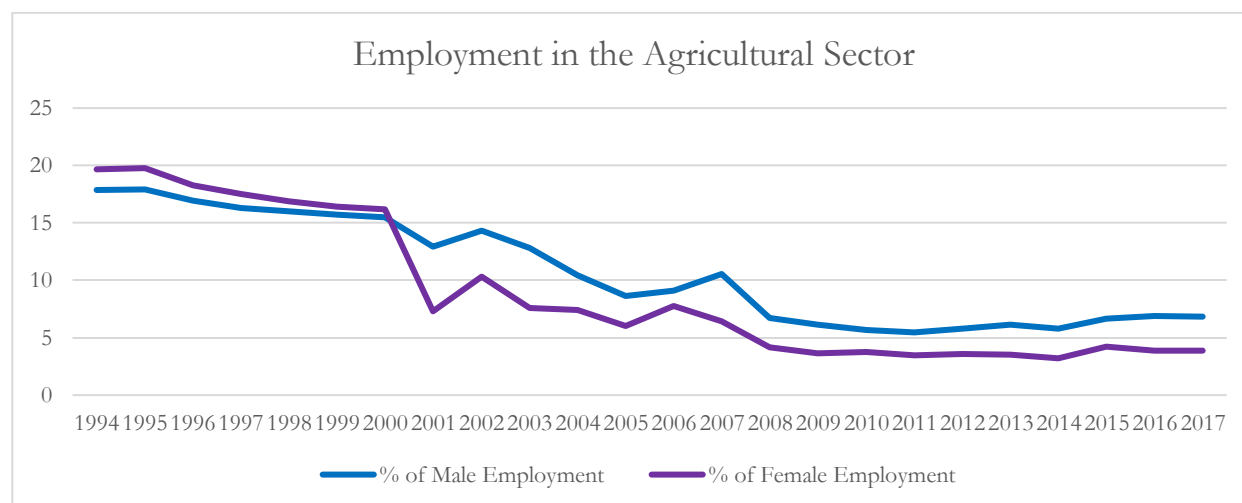
[Figures 3 & 4] A redistribution of land provides a key opportunity for the rural African population to establish income independence and boost participation in the agricultural sector.

**Figure 2**



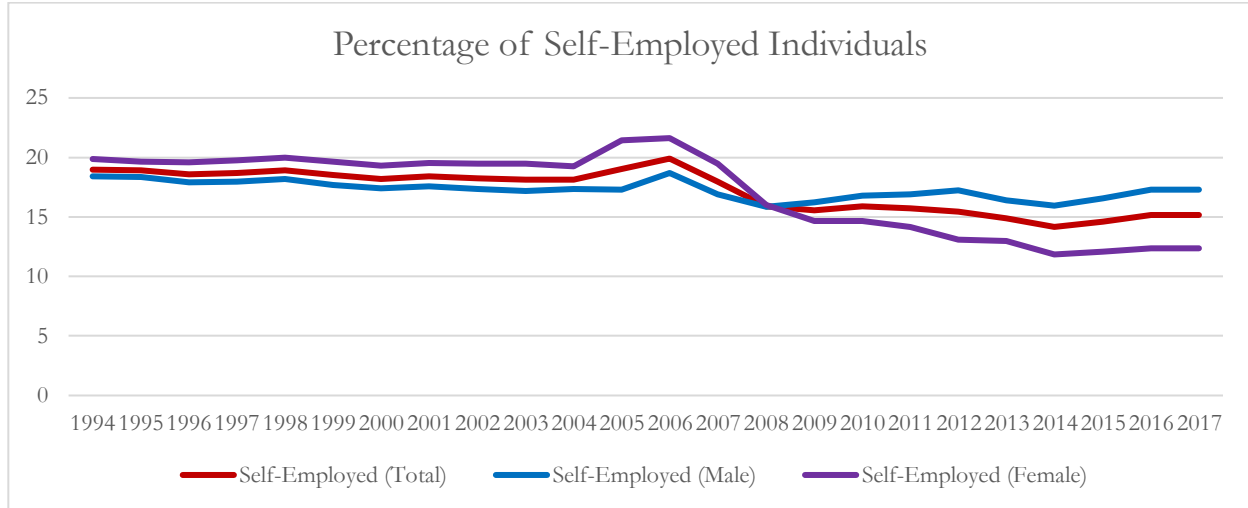
*Source: World Bank Data (2017)*

**Figure 3**



*Source: World Bank Data (2017)*

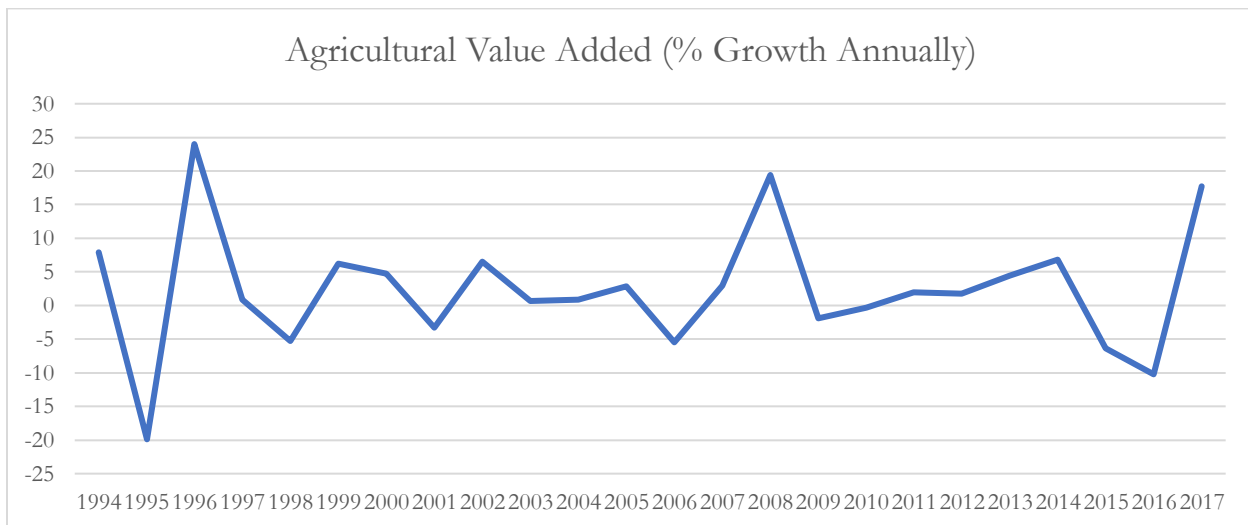
**Figure 4**



*Source: World Bank Data (2017)*

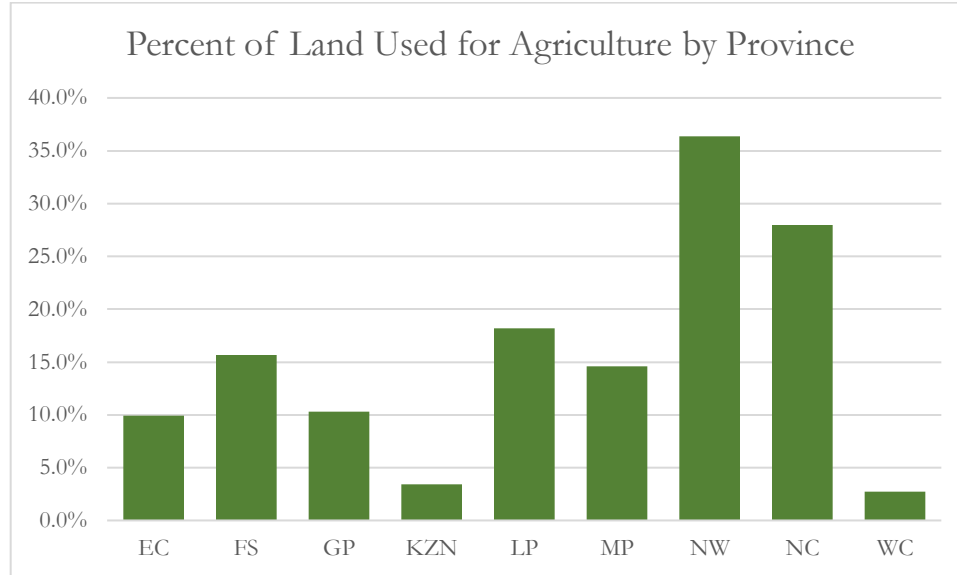
Critics of this development have argued that land redistribution could destabilize or reduce the efficiency of the agricultural sector in South Africa. While questions of education and technology must be addressed, the value added growth of agriculture in South Africa has been consistently variable since the end of Apartheid. [Figure 5] As of 2017, less than a third of land in all but one province in South Africa is utilized for agriculture, indicating that a decrease in efficiency would likely not cripple the nation's economy, while redistribution would still provide abundant opportunity for informal income mobility. [Figure 6]

**Figure 5**



*Source: World Bank Data (2017)*

**Figure 6**



*Source: Rural Development and Land Reform Department: Land Audit Report (2017), own calculations*

### *B. Social Impact of Land Tenure Reform*

For the vast majority of those in favor of land redistribution, the impact of reform stretches far beyond mere financial benefit. For stakeholders belonging to or representing underserved or oppressed populations within South Africa, land redistribution also represents a key opportunity for development. Most notably, the issue of women's rights, financial development and independence has garnered a wide variety of attention since apartheid. Through efforts ranging from education to aid to microfinance to employment, the development of women's role in South African society has gained significant traction with the revitalization of the nation since apartheid (National Land Committee 1998).

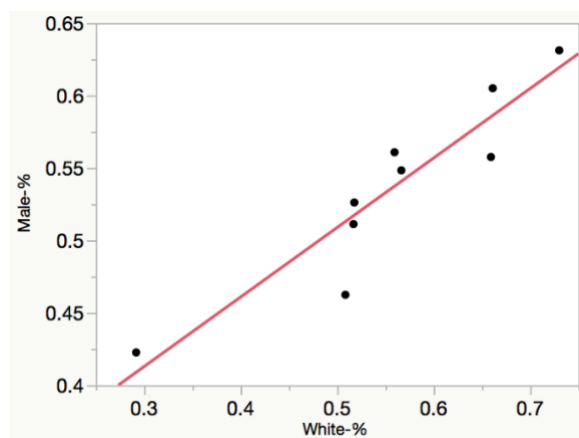
In a 1997 essay, Levin, Russon & Weiner argue that the woman's role in the rural South African household suffers from arbitrary contradictions. While women are expected to serve as the primary producer of food, they are often discouraged from the work that provides the actual inputs required for food, leaving their ability to complete this crucial responsibility at the mercy of their husbands or male family members. In many cases, women are discouraged from selling or marketing their own labor or skills, in favor of supporting their families, in a role subordinate to their husbands. Research conducted by Bob (1997) found that men's role in typical South African households would frequently be limited to a variety of physically laborious tasks that vary across time, while women held 100% responsibility for vital, daily tasks such as cooking, laundry, house cleaning and childcare.

In the two decades that have followed this research, both international and local efforts have been made to support the development of women in South Africa. Organizations like the Small Enterprise Foundation have established efforts dedicated to developing the financial

independence of women in rural South Africa, offering microcredit products and financial education to women entrepreneurs primarily in the Limpopo province (Small Enterprise Foundation 2018). Modise (1998) supports the need for responsibly issued credit, arguing that women provide untapped potential for income creation in the agricultural sector while still fulfilling household responsibilities.

Based on recent data from Phase II of the 2017 South African Land Audit Report, the relationship between race and gender may be stronger than expected with regards to land ownership in South Africa (Department of Rural Development and Land Reform 2017). The percentage of white land owners by province holds a strongly positive correlation with the number of male land owners, while the percentage of African land owners by province display a strong negative correlation. [Figures 7 & 8]

**Figure 7**



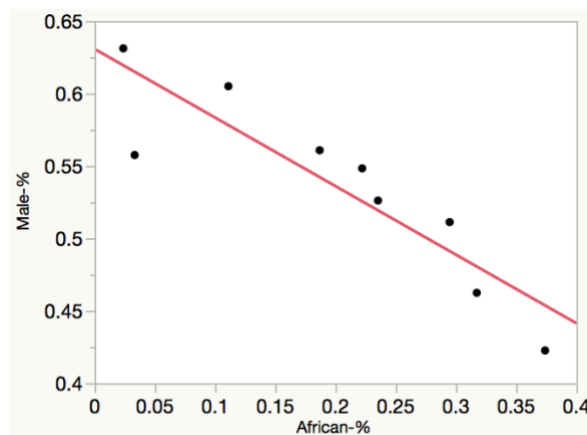
#### Summary Statistics

$R^2 = 0.861253$   
 RMSE = 0.025973  
 N = 9

F-Stat: 43.4514  
 Prob > F: 0.0003\*

*Source: Rural Development and Land Reform Department: Land Audit Report (2017), own calculations*

**Figure 8**



#### Summary Statistics

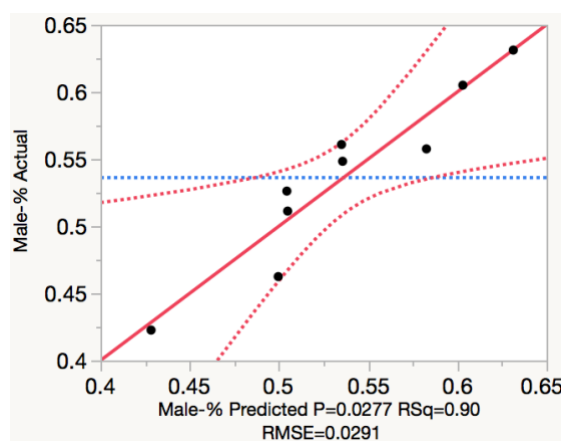
$R^2 = 0.801323$   
 RMSE = 0.03108  
 N = 9

F-Stat: 28.2330  
 Prob > F: 0.0011\*

*Source: Rural Development and Land Reform Department: Land Audit Report (2017), own calculations*

In general, race may be a powerful predictor of male land ownership in South Africa. A multivariate model considering the percentage of land owners by race (White, African, Coloured and Indian) proves to be strongly predictive of the percentage of male land owners across all nine provinces in South Africa. [Figure 9] Though significant further analysis must be conducted to fully evaluate the relationship between race and gender with regards to land ownership, these initial evaluations indicate that the African population may be more likely to opt for non-male dominant land ownership structures. If this is truly the case, land redistribution to the African population may provide the opportunity for a greater share of female land ownership and future participation in the agricultural economy.

**Figure 9**



### Summary Statistics

$R^2 = 0.900549$

RMSE = 0.029089

N = 9

F-Stat: 9.0552

Prob > F: **0.0277\***

Source: Rural Development and Land Reform Department: Land Audit Report (2017), own calculations

### C. Political Impact of Land Tenure Reform

From a qualitative perspective, proponents of land reform view redistribution as one of the final major political revisions remaining from the era of apartheid. While efforts were made to dismantle deliberately discriminatory policies, many view a repossession of once-dispossessed lands as a major step toward closure for decades of authoritarian segregation in apartheid-era South Africa (Bezerra 2018). To this day, South Africa maintains a strong racial divide rooted in post-apartheid inequities between resident ethnic groups; ergo, land redistribution provides an opportunity to resolve a portion of long standing dispute from those most damaged by apartheid.

However, the issues of politics and race that surround the debate on land reform in South Africa have drawn significant attention from both sides. Factions of primarily white residents have argued against land reform, citing mass hysteria and political turmoil as potential impacts from putting redistributive policies into effect. News of “farmer killings” have garnered local and international attention, as white land owners express fear of physical retribution for owning property (Topsfield 2018). Though these fears have circulated since the mid 1990s, the accusations of white farmers being targeted victims of violent crime have spiked drastically since recent proposals of land reform, garnering even the attention of U.S. President Donald Trump.

Although President Trump spoke in support of the existence of “farmer killings”, no statistical evidence indicates that white farmers are uniquely more likely to be the victim of violent crime in South Africa (de Greef and Karasz 2018). Rather, most analysis indicates the prevalence of a much broader problem of violent crime throughout the country, perhaps best evidenced by the frequency of black farmers and farm employees also targeted by criminals throughout South Africa (Denita 2017).

Generally speaking, South Africa faces a unique racial conflict, rooted specifically in its history of segregation and oppression through colonial and apartheid-era policy. While neither land reform, nor any other policy, holds a singular solution to the vast history of racial inequity, land tenure reform may have the potential to help level an unequal playing field and promote political stability throughout the country.

#### *D. Environmental Impact of Land Tenure Reform*

In recent years, environmental activists have promoted land reform in South Africa as a crucial opportunity to positively affect the country’s environmental footprint. Similar to activists seeking social and political reform, supporters of positive environmental reform in South Africa view land reform as an opportunity to provide more than just economic benefits to the non-white population and country as a whole. A 2000 paper from the Ministry of Agriculture and Labor Affairs in South Africa suggested that beneficiaries be required to submit proposals for acquired land and include an environmental assessment to evaluate the impact of the new use of the property. In the case that a proposed project may have a negative environmental impact, additional screenings would take place to ensure the absence of a drastically negative effect (Ministry of Agriculture and Land Affairs 2000). Given the informal, day-to-day reliance of so many on the country’s natural resources, special attention must be paid throughout redistribution to minimize pollution and maximize conservation. Yet, as Manjengwa (2006) notes, no formalized proposal for land tenure reform has contained an “overall environmental dimension.” This observation remains true to this day, leaving room for potential revisions in modern proposals.

### **V. Evaluating Modern Land Tenure Reform Proposals**

In August 2018, South African President Cyril Ramaphosa released a public statement detailing his intentions for expedited land reform in South Africa. Within this plan, Ramaphosa elucidates several key aspects, including:

- › Reform as a constitutional amendment
- › Expropriation not requiring compensation
- › Institution of farmer support programs
- › Implementation of a stimulus package
- › Execution with efficiency and urgency
- › Emphasis on a decrease in unemployment

Ramaphosa, 2018



Of these features, several have caused widespread debate and commentary as to the efficacy and intention of this long-expected call for land reform from the Ramaphosa government. While unemployment has been an undeniable burden for the nation, claims that constitutional, uncompensated expropriation would bolster employment have been met with skepticism (Montanari 2018).

Initially, Ramaphosa introduces one of the major points of conflict – the question of how to legislatively implement land reform. Legal experts from both sides of the argument agree that reform could be executed through the introduction of a new law, program or provision *or* through a constitutional amendment. For those in strongly in favor of extensive and immediate land reform, a constitutional amendment is often the proposed methodology (Subramoney 2018). A constitutional amendment establishes a firm mandate in favor of land reform and provides constitutional recognition of the land-based injustices that lingered since apartheid. However, legal experts such as du Plessis (2018) have argued that Section 25 of the South African constitution need not be amended in favor of land reform. From this opposing perspective, the constitution is viewed as a malleable framework for government, while specific legislation is intended to define actionable policy, such as land reform. To amend the constitution for land reform would be to reduce the interpretive flexibility of the nation's legislative groundwork, leaving land redistribution to be a "zero-sum game" (du Plessis 2018). Nonetheless, both parties agree that no perfect solution exists for the question of implementing reform; rather, a methodology must be chosen to maximize long term benefit for beneficiaries without causing irreconcilable detriment to others.

The second question introduced by Ramaphosa – that of compensation – remains unquestionably the most contentious of all. Prior to a recent political push by the Economic Freedom Fighters, land reform was approached frequently with the assumption of some model for compensation associated with expropriation (Subramoney 2018). However, in a move many describe as a compromise to score political favor, Ramaphosa's government now emphasizes the unequivocal need for expropriation *without* compensation (Ramaphosa 2018). Widespread protests have argued against the decision, primarily asserting that an absence of compensation can be equated to more of an attack on white land owners than a benefit for non-white land owners (Montanari 2018). Additionally, logistical questions of widespread acquisition and appropriation have led scholars and commentators alike to question the feasibility of such a proposal. A wide variety of alternatives to this plan have been introduced, often citing the upheaval behind uncompensated expropriation as a limiting factor to the current proposal. A January 2018 article in the Economist argued for a government buy-back system which leased land to worthy African tenants – citing the failure of past, unregulated programs that led to 70% of reacquired land lying fallow. Others have argued for cooperative models, private mandated acquisition models and government sponsored models, all as stark alternatives to the current proposal (du Plessis 2018). In the most conservative camp, many have simply argued for the continuation of free markets, with no more than government oversight and encouragement (Subramoney 2018). When evaluating potential proposals, uncompensated expropriation certainly falls heavily on one end of the spectrum of models, leaving many to believe compromise will be required for lasting, efficacious reform.

The remaining four aspects of Ramaphosa's proposal have not garnered as much unique criticism; however, his motivations have been called into question by political opponents. In an August 2018 opinion piece for South Africa's News24, Adriaan Basson wrote that present day land reform proposals were reflective of political motivations rather than an authentic push for economic stimulus. In his critique, Basson sights Ramaphosa's change in stance on several aspects of land reform, including the two most controversial: its implementation as a constitutional amendment and expropriation without compensation. While no argument is made against farmer support and economic stimulus programs, the urgency with which Ramaphosa has proposed land reform and the heavy focus on unemployment has led many to believe his intentions may be more political than pragmatic (Madia 2018) (Basson 2018). Given the complexity and controversy of land reform, an attempt to push through constitutional reform before the mid-2019 general election may prove to be highly contentious and potentially ineffective.

## **VI. Conclusion**

After a public statement encouraging efficient land reform in the form of expropriation without compensation, President Cyril Ramaphosa generated a political and economic whirlwind. Based on a highly contentious history of land dispossession and repossession, this paper finds land reform as a logical conclusion for the African National Congress as it continues to repair the inequities of apartheid. Based on the vast body of literature composed on South African land tenure reform since the end of apartheid, this paper identifies the potential impact of land reform as four-fold: economic, social, political and environmental. While the economic impact continues to prevail as the primary motivator for the majority of stakeholders on both sides of the land reform debate, all four realms offer the potential for the betterment of the nation, if executed well. While the current proposal of President Ramaphosa appears to be well-intentioned, many question whether expropriation without compensation is the appropriate course of action to achieve the aforementioned goals of all stakeholders. Collectively, land tenure reform offers a multi-faceted opportunity to continue the development of South Africa since apartheid, so long as the solution implemented considers all relevant stakeholders with the intention of long-term, sustainable improvement for the nation.

## References

- Aliber, Michael, Themba Maluleke, Tshililo Manenzhe, Gaynor Paradza, and Ben Cousins. 2013. *Land Reform and Livelihoods: Trajectories of Change in Northern Limpopo Province, South Africa*. Cape Town: Human Sciences Research Council.
- Basson, Adriaan. 2018. *ANC decision on land is about the election, not the economy*. August 1. Accessed August 1, 2018. <https://www.news24.com/Columnists/AdriaanBasson/anc-decision-on-land-is-about-the-election-not-the-economy-20180801>.
- BBC News. 2018. *South Africa to amend constitution to allow land expropriation*. July 31. Accessed August 1, 2018. <https://www.bbc.com/news/world-africa-45026931>.
- Bell, Chris. 2013. *Apartheid's roots: The Natives Land Act*. June 19. Accessed May 14, 2018. <http://www.bbc.co.uk/history/0/22786616>.
- Bernstein, Henry. 1997. "Land and Food in South Africa's Agrarian Question." In *"No More Tears...": Struggles for Land in Mpumalanga, South Africa*, by Richard Levin and Daniel Weiner, 27-44. Asmara: Africa World Press.
- Bezerra, Joana. 2018. *Reclaiming land in South Africa is about symbolism and fairness, not just compensation*. August 7. Accessed August 24, 2018. <https://qz.com/africa/1350164/south-africas-land-expropriation-without-compensation-not-enough/>.
- Bob, Urmilla. 1997. "Gender Struggles and Social Differentiation." In *"No More Tears...": Struggles for Land in Mpumalanga, South Africa*, by Richard Levin and Daniel Weiner, 137-152. Asmara: Africa World Press.
- Calland, Richard. 2018. *Now, even the World Bank thinks land reform is a priority for South Africa*. June 18. Accessed August 24, 2018. <https://qz.com/africa/1307987/land-expropriation-world-bank-says-south-africa-land-reform-is-a-priority/>.
- Davenport, T. R. H., and K. S. Hunt. 1974. *The Right to Land*. Cape Town: David Phillips.
- de Greef, Kimon, and Palko Karasz. 2018. *Trump Cites False Claims of Widespread Attacks on White Farmers in South Africa*. August 23. Accessed August 24, 2018. <https://www.nytimes.com/2018/08/23/world/africa/trump-south-africa-white-farmers.html>.
- Denita, Annzra. 2017. *'More black farm workers are killed than white farm workers' - Johan Burger*. October 26. Accessed August 24, 2018. <http://www.702.co.za/articles/278024/more-black-farm-workers-are-killed-than-white-farm-workers>.
- Department of Rural Development and Land Reform. 2017. *Land Audit Report*. Report, Limpopo: Department of Rural Development and Land Reform.
- Department of Rural Development and Land Reform. 2017. *Land Audit Report: Phase II - Private Land Ownership by Race, Gender and Nationality*. Report, Limpopo: Department of Rural Development and Land Reform.

- du Plessis, Elmien. 2018. *Context matters, so let expropriation be tested in courts first*. September 4. Accessed September 4, 2018. <https://www.news24.com/Columnists/GuestColumn/context-matters-so-let-expropriation-be-tested-in-courts-first-20180904>.
- Hebinck, Paul, and Charlie Shackleton. 2011. "Livelihoods, resources and land reform." In *Reforming Land and Resource Use in South Africa: Impact of Livelihoods*, by Paul Hebinck and Charlie Shackleton, 1-32. New York: Routledge.
- Lahiff, Edward. 2011. "Land reform and poverty reduction in South Africa." In *Reforming Land and Resource Use in South Africa: Impact on Livelihoods*, by Paul Hebinck and Charlie Shackleton, 58-85. New York: Routledge.
- Levin, Richard, and Daniel Weiner. 1997. "From Apartheid to Development." In *"No More Tears...": Struggles for Land in Mpumalanga, South Africa*, by Richard Levin and Daniel Weiner, 3-26. Asmara: Africa World Press.
- Levin, Richard, Ray Russon, and Daniel Weiner. 1997. "Class, Gender and the Politics of Rural Land Reform." In *"No More Tears...": Struggles for Land in Mpumalanga, South Africa*, by Richard Levin and Daniel Weiner, 117-136. Asmara: Africa World Press.
- Madia, Tshidi. 2018. *Land expropriation will 'advance economic development, increase food security' - Ramaphosa*. August 1. Accessed August 1, 2018. <https://www.news24.com/SouthAfrica/News/expropriation-will-advance-economic-development-increase-food-security-ramaphosa-20180801>.
- Manjengwa, Jeanette. 2006. *Natural Resource Management and Land Reform in Southern Africa*. Report, Cape Town: Centre for Applied Social Sciences and Programme for Land and Agrarian Studies.
- Manning, Claudia, and Nokuzola Jenness. 2014. "Origins, trends and debates in black economic empowerment." In *The Oxford Companion to the Economics of South Africa*, by Haroon Borat, Alan Hirsch, Ravi Kanbur and Mthuli Ncube, 313-321. Oxford: Oxford University Press.
- Ministry of Agriculture and Land Affairs. 2000. *Land Redistribution for Agricultural Development: A sub-programme of the Land Redistribution Programme*. Report, Pretoria: MALA.
- Modise, Moses. 1998. "Women in agricultural development." In *Voices from the Field: Development Work with Rural Women*, by National Land Committee, 74-80. Braamfontein: National Land Committee.
- Montanari, Lorenzo. 2018. *Fight Rages Over Land Reform in South Africa*. March 14. Accessed August 5, 2018. <https://www.forbes.com/sites/lorenzomontanari/2018/03/14/fight-rages-over-land-reform-in-south-africa/#11dcfc7071f3>.
- National Land Committee. 1998. *Voice from the Field: Development Work with Rural Women*. Braamfontein: National Land Committee.
- Raikes, P. L. 1988. *Modernising hunger*. London: Currey.

- Ramaphosa, Cyril. 2018. *Read President Cyril Ramaphosa's full speech here*. July 31. Accessed August 1, 2018. <https://www.news24.com/Columnists/GuestColumn/read-president-cyril-ramaphosas-full-speech-here-20180731>.
- Small Enterprise Foundation. 2018. *About*. Accessed May 14, 2018. <https://www.sef.co.za/about/about-2-2/>.
- South African History Organization. 2011. *Britain takes control of the Cape*. November 8. Accessed August 24, 2018. <https://www.sahistory.org.za/article/britain-takes-control-cape>.
- South African History Organization. 2011. *Dutch East India Company (DEIC)/VOC*. March 30. Accessed May 20, 2018. <https://www.sahistory.org.za/topic/dutch-east-india-company-deicvoc>.
- Spierenburg, Marja, Conrad Steenkamp, and Harry Wels. 2008. "Promises of economic development in the Great Limpopo, Southern Africa: Networks and partnerships in transfrontier conservation." In *Inside Poverty and Development in Africa: Critical Reflections on Pro-poor Policies*, by Marcel Rutten, André Leliveld and Dick Foeken, 144-168. Leiden: Brill.
- Subramoney, Garsen. 2018. *Why land expropriation without compensation is the wrong medicine for South Africa's economic ills*. August 19. Accessed August 24, 2018. <https://www.independent.co.uk/voices/south-africa-land-expropriation-compensation-economy-effects-a8497996.html>.
- The Economist. 2018. *South Africa is getting land reform wrong*. January 25. Accessed May 14, 2018. <https://www.economist.com/middle-east-and-africa/2018/01/25/south-africa-is-getting-land-reform-wrong>.
- The World Bank. 2018. *South Africa*. Accessed July 24, 2018. <https://data.worldbank.org/country/south-africa>.
- Topsfield, Jewel. 2018. *Blood in the dust: The plight of South African farmers is far from black or white*. June 23. Accessed August 1, 2018. <https://www.smh.com.au/politics/federal/blood-in-the-dust-the-plight-of-south-african-farmers-is-far-from-black-or-white-20180622-p4zn6u.html>.
- West, Edwin G. 2002. *Property Rights in the History of Economic Thought: From Locke to J. S. Mill*. September. Accessed May 13, 2018. <http://www.compilerpress.ca/Competitiveness/Anno/Anno%20West%20Property.htm>.
- Wren, Christopher S. 1991. *South Africa Moves to Scrap Apartheid*. February 2. Accessed May 14, 2018. <https://www.nytimes.com/1991/02/02/world/south-africa-moves-to-scrap-apartheid.html>.
- Yanou, Michael A. 2009. *Dispossession and Access to Land in South Africa: An African Perspective*. Bamenda: Langaa RPCIG.